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    Attorneys for Third-Party Defendant
 6
         MEDIA FACTORY, INC.
 7
                        UNITED STATES DISTRICT COURT
 8
                      NORTHERN DISTRICT OF CALIFORNIA
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                                      ) * CASE NO: C06-02590 CW
    REJECTS SKATE MAGAZINE, INC.,
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    WESLEY M. DRIVER, RADIUS MEDIA, )
    LLC, and SHAWN ENGLER
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               Plaintiffs
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                                         STIPULATED REQUEST FOR ORDER
                                         CHANGING TIME; DECLARATION OF
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    v.
                                         JILL S. DICKERSON; AND
                                         {PROPOSED} ORDER THEREON
    ACUTRACK, INC.,
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               Defendant and Third-
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               Party Plaintiff
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    v.
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    MEDIA FACTORY, INC.,
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               Third-Party Defendant.)
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          This Stipulated Request for Order Changing Time is entered
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    into between Plaintiffs REJECTS SKATE MAGAZINE, INC., WESLEY M.
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    DRIVER, RADIUS MEDIA, LLC, and SHAWN ENGLER ("Plaintiffs"),
    Defendant ACUTRACK, INC. ("Acutrack"), and Third Party Defendant
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    MEDIA FACTORY, INC. ("Media Factory") (collectively, the
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    "Parties").
          WHEREAS Media Factory was served on September 28, 2006 with
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27
    a third party complaint by Acutrack. Acutrack granted Media
    Factory extensions of the time within which to respond to the
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third party complaint to allow Media Factory to tender the third party complaint to its insurer and allow Media Factory's insurer to assign counsel to respond to the third party complaint. Media Factory answered such third party complaint on November 1, 2006. WHEREAS a mediation had been scheduled in the case to take place on November 20, 2006 and a mediation completion date of December 1, 2006 was ordered by the Court. WHEREAS Media Factory needs time to investigate and evaluate the claim by Acutrack and conduct some discovery prior to the mediation and there is not sufficient time to do so before November 20, 2006. NOW THEREFORE, the Parties agree to continue the mediation scheduled for November 20, 2006 to February 20, 2007, in light of the foregoing issues and the upcoming holidays. The Parties also request this Court to continue the mediation completion date for 90 days. IT IS SO AGREED. DATE: November 17, 2006 LINCOLN, GUSTAFSON & CERCOS DICKERSON, ESQ. S. Attorneys for MEDIA FACTORY, INC. DATE: November 17, 2006 CROSS, POOLE, GOLDASICH, & FISCHER, LLC GOLDASICH, ESQ. DENNIS E. JUSTIN, L. \$MITH, ESQ. Attorneys For PLAINTIFFS BERDING & DATE: November **NEVIL LLP** CLIFFORD R. HORNER, ESQ. FREDRICK A. HAGEN, ESQ. Attorneys for ACUTRACK

DECLARATION OF JILL S. DICKERSON

- 1. I am an attorney at law licensed to practice before all courts of the State of California and the U.S. District Courts for each District of California, and I am an associate with Lincoln, Gustafson & Cercos, attorneys of record for Defendant MEDIA FACTORY, INC. ("Media Factory"). All facts stated in this declaration are true to my own knowledge and if called as a witness I could testify competently to these facts.
- 2. Media Factory was served on September 28, 2006 with a third party complaint by Defendant Acutrack, Inc. ("Acutrack").
- 3. Acutrack granted Media Factory extensions of the time within which to respond to the third party complaint to allow Media Factory to tender the third party complaint to its insurer and allow Media Factory's insurer to assign counsel to respond to the third party complaint.
- 4. Media Factory's insurer assigned this matter to my law firm and, on November 1, 2006, an answer to Acutrack's third party complaint was filed and served on behalf of Media Factory.
- 5. Upon information and belief, a mediation had been scheduled by Plaintiffs and Acutrack to take place on November 20, 2006 and a mediation completion date of December 1, 2006 was ordered by the Court.
- 6. Media Factory needs time to investigate and evaluate the claim by Acutrack and conduct some discovery prior to the mediation and there is not sufficient time to do so before November 20, 2006.
- 7. The Parties have agreed to continue the mediation scheduled for November 20, 2006 to February 20, 2007, in light of

| 1 | the foregoing issues and the upcoming holidays. The Parties |
|--|---|
| 2 | further agreed to request this Court to continue the mediation |
| 3 | completion date for 90 days. |
| 4 | 8. Upon information and belief, there have been no |
| 5 | previous time modifications in this case by stipulation or court |
| 6 | order. |
| 7 | I declare under penalty of perjury under the laws of the |
| 8 | State of California that the foregoing is true and correct. |
| 9 | Executed this 1744 day of November, 2006 at San Diego, |
| 10 | California. |
| 11 | Till's Dickerson Esq |
| 12 | olly 5. bickerson, hsq. |
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| 15 | LPROPOSED J ORDER |
| 15 16 | [PROPOSED] ORDER |
| | For good cause shown, the stipulated request of the Parties |
| 16 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days |
| 16 17 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: |
| 16 17 18 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days |
| 16 17 18 19 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: Mediation shall be completed by March 1, 2007. |
| 16 17 18 19 20 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: Mediation shall be completed by March 1, 2007. |
| 16 17 18 19 20 21 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: Mediation shall be completed by March 1, 2007. IT IS SO ORDERED. DATED: 11/28 , 2006 HONORABLE CLAUDIA WILKEN |
| 16 17 18 19 20 21 22 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: Mediation shall be completed by March 1, 2007. IT IS SO ORDERED. DATED: 11/28 , 2006 |
| 16 17 18 19 20 21 22 23 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: Mediation shall be completed by March 1, 2007. IT IS SO ORDERED. DATED: 11/28 , 2006 HONORABLE CLAUDIA WILKEN |
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| 16 17 18 19 20 21 22 23 24 25 | For good cause shown, the stipulated request of the Parties for an order changing time to continue the mediation for 90 days is hereby granted. New dates are as follows: Mediation shall be completed by March 1, 2007. IT IS SO ORDERED. DATED: 11/28 , 2006 HONORABLE CLAUDIA WILKEN |